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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/008,947	01/20/1998	RANDELL L. MILLS	911322US	6830

7590 10/17/2002

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EXAMINER

KALAFUT, STEPHEN J

ART UNIT	PAPER NUMBER
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1745

DATE MAILED: 10/17/2002

36

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/008,947

Applicant(s)

MILLS, RANDELL L.

Examiner

Stephen J. Kalafut

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6 and 10-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6 and 10-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 31,32,35 6) ☐ Other:

Art Unit: 1745

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/07/02 has been entered.

Claims 1, 2, 4-6 and 10-59, for reasons of record applied originally to claims 1, 2, 4-6 and 58, are rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks credible utility. See paper no. 17, paragraph no. 3.

Claims 1, 2, 4-6 and 10-59, for reasons of record originally applied to claims 1, 2, 4-6 and 10-58, are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. See paper no. 17, paragraph no. 4.

Applicant's arguments filed 08/07/02 have been fully considered but they are not persuasive.

Applicant argues that the examination of the present application based on a "misguided view of quantum mechanics". The examiner's view, that a principle quantum number, commonly represented by the letter "n", must be an integer, is consistent with the views in the field of physics and the specialty of quantum mechanics. The examiner's position would thus be

Art Unit: 1745

no more “misguided” than the positions of those who have worked in the specialty of quantum mechanics. Moreover, these views are not merely “theoretical”, as alleged by applicant, but has also been verified by experimentation. For example, Bethe and Salpeter, cited in the Attachment to the Final Rejection (paper no. 25), pages 6 and 7, discuss the verification of the principle quantum number as an integer by spectroscopic data. Also, Kleppner and Jackiw, cited in the Attachment, page 7, state that quantum theory “is the most precisely *tested* and most successful theory in the history of science” (emphasis added). Thus, quantum theory, including its postulate that “*n*” must be an integer, would not be merely “theoretical”, but “scientific”.

Applicant makes various arguments concerning data from lasers, plasmas, calorimetry and spectroscopy in support of his assertion that “*n*” may be fractional. The arguments concerning lasers are not persuasive because of the differences between a free electron in a laser and an electron bound by Coulombic force to an atomic nucleus, as explained in the Attachment, pages 15 and 16. The arguments concerning plasmas, as well as an argument mentioning the sun, are not persuasive because a plasma is the ultimate opposite of what a “hydrino” is alleged to be. In a plasma, electrons are so energetic that they are able to escape from their respective nuclei, the very opposite of moving closer to nuclei form “hydrinos”. If an ordinary hydrogen atom contacts a plasma, its electron would absorb some energy from the plasma, resulting in a move to a quantum state above the ground state. This could result in the electron being completely removed, the hydrogen atom thus becoming part of the plasma. The arguments concerning calorimetry are not persuasive for reasons stated in the Attachment, pages 49-56. The arguments concerning spectroscopy are not persuasive for reasons stated in the Attachment, pages 57-66. Applicant also makes various references to court cases and comments by various

Art Unit: 1745

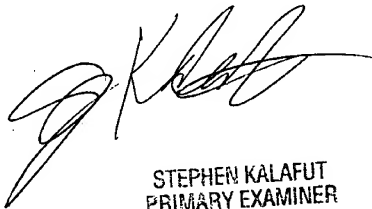
individuals, but these cases or comments, and applicant's statements concerning them, are not pertinent as to whether the present "hydrinos" may or may not exist.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Kalafut whose telephone number is (703) 308-0433. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan can be reached on (703) 308-2383. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

sjk
October 11, 2002



STEPHEN KALAFUT
PRIMARY EXAMINER
GROUP 1700